

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GARY M. BLACKBURN,

Plaintiff,

v.

CAROLYN W. COLVIN,¹
ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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CASE NO. 5:12CV2355

JUDGE BENITA Y. PEARSON

MEMORANDUM OF OPINION
AND ORDER

An Administrative Law Judge (“ALJ”) denied Plaintiff Gary M. Blackburn’s applications for Disability Insurance Benefits and Supplemental Security Income after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and this Court referred the case to Magistrate Judge Greg White for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#). The Magistrate Judge submitted a Report & Recommendation ([ECF No. 18](#)) recommending that the Court vacate the Commissioner’s decision and remand the

¹ Michael J. Astrue was the original defendant. On February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. Pursuant to [Fed. R. Civ. P. 25 \(d\)](#), Colvin’s name has been automatically substituted as a party.

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case pursuant to sentence four of [42 U.S.C. § 405\(g\)](#).²

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. On July 29, 2013, the Commissioner filed a Response to the Report and Recommended Decision ([ECF No. 19](#)), which states that the Commissioner will not be filing objections. Furthermore, Plaintiff has not filed any objections, evidencing satisfaction with the Magistrate Judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the report and recommendation of the Magistrate Judge is hereby adopted. The Court vacates the decision of the Commissioner of Social Security and remands this case to the Commissioner for rehearing and a new decision.

IT IS SO ORDERED.

July 31, 2013
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

² Sentence four of section 205(g) of the Social Security Act, [42 U.S.C. § 405\(g\)](#), states:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.